

(95)
9-30-02
MA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHILLIPS-VAN HEUSEN CORP.,

Plaintiff

-against-

J.V.E. Co., Inc.

(a/k/a Japan Vehicle Equipment Co.,

U.S.A., Inc.)

Defendant

and

mitsui O.S.K. LINES LTD., and

DAMPSKIBSSELSKABET AF 1912

AKTIESELSKAB and AKTIESELSKABET

DAMPSKIBSSELSKABET SVENDBORG,

Defendants/Third Party Plaintiffs,

- against -

KELLAWAY TRANSPORTATION, INC.,

KELLAWAY INTERMODAL & DISTRIBUTION

SYSTEMS, KELLAWAY INTERMODAL

SERVICES, INC. and KELLAWAY TERMINAL

SERVICES, INC.,

Third Party Defendants.

CIVIL ACTION

NO. 1:CV00-0665

(Judge Sylvia H. Rambo)

THIRD CIRCUIT COURT OF
APPEALS DOCKET NO. 02-3577

FILED
HARRISBURG, PA

SEP 27 2002

MARY E. D'ANDREA, CLERK
Per 716 Deputy Clerk

NOTICE OF CROSS-APPEAL AND APPEAL OF MITSUI O.S.K. LINES, LTD.


Third-party defendant Kellaway filed a Notice of Appeal in the captioned matter on
September 13, 2002, docketed at 02-3577.

Notice is hereby given that defendant and third party plaintiff Mitsui O.S.K. Lines, Ltd. hereby cross-appeals and appeals to the United States Court of Appeals for the Third Circuit from the Memorandum Findings of Fact and Conclusions of Law entered in this action on the 14th day of August 2002.

Respectfully submitted,

RAWLE & HENDERSON LLP

By:



Ann-Michele G. Higgins
Charles W. McCammon
Attorneys for defendant/third party plaintiff
Mitsui O.S.K. Lines, Ltd.
The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 575-4000

CERTIFICATE OF SERVICE

I hereby certify that on this date, a copy of the foregoing Notice of Cross-Appeal and Appeal of defendant/ third party plaintiff Mitsui O.S.K. Lines Ltd. was served on all counsel of record via first class mail postage pre-paid addressed as follows:

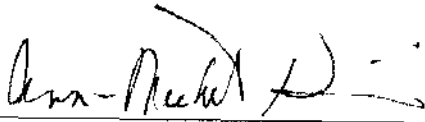
George R. Zacharkow, Esquire
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399 Market Street
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Paul R. Walker, Esquire (via telefax)
Thomas Thomas and Haffer
305 North Front Street
P.O. Box 999
Harrisburg, PA 17108


Ann-Michele G. Higgins, Esquire

Date: 9/26/02

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PA

Phillips-Van Heusen Corp

DISTRICT COURT NO. 1:00-CV-665

Plaintiff

Vs

CT. OF APPEALS NO. _____

Mitsui O.S.K. Lines Ltd., Dampskibsselskabet
AF 1912 Aktieselskab and Aktieselskabet
Dampskibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal
& Distribution Systems, Kellaway Intermodal Services, Inc.,
and Kellaway Terminal Services, Inc.

Third Party Defendants

NOTICE OF APPEAL FILED

COURT REPORTER(S) Vicki Fox

FILING FEE:

NOTICE OF APPEAL ☒ PAID ___ NOT PAID ___ SEAMAN

DOCKET FEE ☒ PAID ___ NOT PAID ___ USA

CJA APPOINTMENT: (Attach Copy of Order)

___ PRIVATE ATTORNEY

___ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER

___ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:

(Attach Copy of Order)

___ MOTION GRANTED (IN FIRST INSTANCE)

___ MOTION DENIED (IN FIRST INSTANCE)

___ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):

(Attach copy of Order)

___ GRANTED

___ DENIED

___ PENDING

COPIES TO:

Judge Sylvia H. Rambo
Carl H. Delacato, Jr., Esq.
George R. Zachardow, Esq.
David P. Thompson, Esq.
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Patrick J. Keenan, Esq.
Douglas B. Marcello, Esq.
Richard Q. Whelan, Esq.
William E. Eckenbarger, Jr., Esq.

Date: September 30, 2002

PREPARED BY: /s/ Mark J. Armbruster
Deputy Clerk



MARY E. D'ANDREA
Clerk of Court

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg & U.S. Courthouse
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Scranton, PA 18501-1148

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Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE:

Phillips-Van Heusen Corp

Vs

Mitsui O.S.K. Lines Ltd., Dampskibsselskabet
AF 1912 Aktieselskab and Aktieselskabet
Dampskibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal
& Distribution Systems, Kellaway Intermodal Services, Inc.,
and Kellaway Terminal Services, Inc.

USDC NO: 1:00-CV-665

USCA NO:

**E-mail Account: All correspondence should be sent to the e-mail account:
PAMDAPPEAL1**

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

_____ Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet
available through RACER.

 X Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and
Docket Sheet available through RACER.

The Clerk's Office hereby certifies the record and the docket sheet available
through RACER to be the certified list in lieu of the record and/or the certified copy of the
docket entries.

Very truly yours,

s/ Mark J. Armbruster
Deputy Clerk